



**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**  
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**DATE:** October 10, 2002

**TO:** Orange County Zoning Administrator

**FROM:** Planning and Development Services Department/Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA 02-0082.

**PROPOSAL:** A variance to reduce the minimum required rear yard setback to facilitate the construction of a single-story room addition to a single family home. The variance requested proposes to reduce the setback from the required 15 feet to 5 feet.

**LOCATION:** 11671 Foster Road, in the Rossmoor area, within the Second Supervisorial District.

**APPLICANT:** Mr. Timothy Humphrey, owner.

**STAFF** Marta B. Crane, AICP, Project Manager  
**CONTACT:** Phone: (714) 834-5144 FAX: (714) 834-4652

**SYNOPSIS:** The Current Planning Services Division recommends Zoning Administrator approval of Planning Application No. PA 02-0082, subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The subject site was originally developed in 1957 as a 1,865 square foot, one-story home with a detached, two-car garage in an 8,250 square foot lot. The property, zoned R1 ("Single Family Residential") is located on a corner lot with a side entry garage set back 5 feet from the rear property line. Mr. Humphrey is proposing a major expansion of the existing house by connecting the main residential structure with the existing garage and by adding a second story. In total, the home after the expansion consists of approximately 4,052 square feet including the attached garage. The proposed remodeling will result in a structure that extends 10 feet into the required 15 foot rear yard. Therefore, the proposed project will require approval of a variance from the minimum 15 feet rear yard setback standard.

**SURROUNDING LAND USE:**

The subject property is located at the intersection of Foster Road and Channing Way, and is surrounded by other single family residences also zoned R1. (Exhibit 1)

**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at 300 N. Flower, at the subject site in Rossmoor, and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to various reviewing Orange County Divisions and to the Rossmoor Homeowners Association. The homeowner's association reviewed the project and did not express any objections to the variance (Exhibit 2). As of the writing of this staff report, there are no issues raised by any Orange County Divisions.

**CEQA COMPLIANCE:**

Pursuant to the California Environmental Quality Act (CEQA), the proposed project is Categorically Exempt from the requirements (Class 5, minor alterations in land use such as setback variance). Appendix A contains the required CEQA finding.

**DISCUSSION/ANALYSIS:**

Mr. Humphrey is seeking approval of a variance to facilitate the remodeling of his existing 1,865 square foot home. The expansion will include a workshop, a study and an exterior toilet room to serve the pool on the ground floor. There are two bedrooms, a laundry room and a bathroom proposed on the second floor. The proposed remodeling adds approximately 1,872 square feet to the existing home to a total of 4,052 square feet (Exhibit 3).

The remodeling proposed is extensive and only a few existing walls will remain. With the exception of the rear yard setback which is discussed below, the proposed project setbacks will meet the minimum standards applicable in the Rossmoor area at 20 feet in the front setback along Foster Road, and 5 feet along the side yards.

The proposal includes a second story addition. In the Rossmoor area, height limitations do not allow structures higher than 17 feet within 25 feet from the rear property line. The proposed project will meet the standard because, even though the second story addition is 24 feet high, it will be set back over 50 feet from the rear property line. In addition, the proposed 24 foot height does not exceed the maximum height of 28 feet applicable elsewhere in the property.

The remodeling will connect the main structure with an existing detached two-car garage that is located at the rear of the site 5 feet from the property line, thereby creating a 10 foot encroachment into the required 15 foot rear setback. Remodeling projects connecting main residential structures with detached garages have been a common method for homeowners in the Rossmoor area seeking to expand their homes. Encroachments into rear yard setbacks such as the one proposed by Mr. Humphrey have been previously supported by the Rossmoor Homeowners Association and approved by the Zoning Administrator in cases where impact to adjacent properties is not anticipated. Should the proposed variance be approved, it will not result in the granting of special privileges not enjoyed by other property owners in this neighborhood.

The total open space currently available in the back yard is approximately 2,930 square feet, including a swimming pool. After the remodeling project, the open space will be approximately 1,984 square feet (24% of which will remain a swimming pool). Because of the location of the swimming pool and the garage, the only space available for expansion is generally located between the garage and the house. Despite this constraint, the remaining open space after the expansion is still greater than the minimum space resulting from the standard 15 foot deep setback across the full width of the lot (or 1,125 square feet).

Overall, the expansion although large, is not expected to result in bulky architecture or a massive structure that could adversely impact the neighborhood scale because the two story portion of the expansion is in the center of the site. The architecture of the proposed addition is expected to blend within the neighborhood context.

### **CONCLUSION OR SUMMARY:**

Should this variance be approved, the proposed residential remodeling will comply with the minimum side yard and front setbacks as well as all other required development standards applicable in R1 zone such as building height. The total amount of open space in the rear yard of this property, after the encroachment will still be larger than the average back yard resulting from the minimum setbacks. Therefore, the reduced setback along the garage portion of the lot will not result in substandard open space in the back yard. Staff supports approval of this variance provided the applicant agrees to the conditions of approval recommended for this project as stated in Appendix B of this report.

### **RECOMMENDED ACTION:**

The Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA02-0082 for a rear setback variance, subject to the attached Findings and Conditions of Approval.

Respectfully submitted,

Chad G. Brown, Chief  
CPSD/Site Planning Section

MBC  
/staff reports/PA 010082 Humphrey

### **APPENDICES:**

#### **A. Recommended Findings**

B. Recommended Conditions of Approval

**EXHIBITS:**

1. Project's surrounding properties.
2. Rossmoor Homeowners Association letter.
3. Applicant's letter of Justification.
4. Set of Full Scale Plans (Site Plan, Floor Plans and Elevations).

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$ 245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.